

(Stipulating Parties Listed on Signature Pages)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:

Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;

Stoebner, et al. v. LG Electronics, et al., No. 11-cv-05381;

Siegel v. Hitachi, Ltd., et al., No. 11-cv-05502;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;

Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;

Interbond Corporation of America v. Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi Ltd., et al., No. 11-cv-06276;

CompuCom Systems, Inc. v. Hitachi, Ltd., et al., No. 11-cv-06396;

Costco Wholesale Corporation v. Hitachi, Ltd., et al., No. 11-cv-06397;

P.C. Richard & Son Long Island Corporation, et al. v. Hitachi, Ltd., et al., No. 12-cv-02648;

Schultze Agency Services, LLC, et al. v. Hitachi, Ltd., et al., No. 12-cv-02649.

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SPECIAL
MASTER'S MAY 2, 2013 REPORT
AND RECOMMENDATION ON
MOTIONS TO DISMISS DIRECT
ACTION COMPLAINTS**

STIPULATION AND [PROPOSED] ORDER
REGARDING SPECIAL MASTER'S MAY 2,
2013 REPORT AND RECOMMENDATION ON
MOTIONS TO DISMISS DIRECT ACTION
COMPLAINTS

Case No. 07-5944
MDL NO. 1917

1 WHEREAS, on August 17, 2012, the undersigned Defendants jointly moved to dismiss
2 various claims asserted in the complaints filed by Direct Action Plaintiffs (“DAPs”) (Dkt. Nos.
3 1317 & 1318);

4 WHEREAS, on August 17, 2012, Defendants Samsung Electronics Co., Ltd. and
5 Samsung Electronics America, Inc. (collectively the “Samsung Electronics Defendants”) filed a
6 separate motion to dismiss DAPs’ claims against those Defendants (Dkt. No. 1316);

7 WHEREAS, on August 17, 2012, Defendants Koninklijke Philips Electronics N.V. and
8 Philips Electronics North America Corporation (collectively the “Philips Defendants”) filed a
9 separate motion to dismiss DAPs’ claims against those Defendants (Dkt. No. 1319), which
10 Defendants LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics Taiwan Taipei
11 Co. (collectively the “LG Electronics Defendants”) joined on August 20, 2012 (Dkt. 1320);

12 WHEREAS, on September 28, 2012, DAPs filed papers opposing the Motions to Dismiss¹
13 (Dkt. Nos. 1382, 1383, and 1384; *see also* Dkt. No. 1387);

14 WHEREAS, on October 26, 2012, Defendants filed reply papers in support of the Motions
15 to Dismiss (Dkt. Nos. 1418, 1419, 1420, 1421, and 1422);

16 WHEREAS, on February 14, 2013, Special Master Charles A. Legge heard argument on
17 the Motions to Dismiss;

18 WHEREAS, on May 2, 2013, Special Master Legge issued a Report and Recommendation
19 Regarding the Motions to Dismiss (Dkt. No. 1664) (“R&R”);

20 WHEREAS, the Motions to Dismiss and subsequent R&R cover a large number of legal
21 issues that span both DAPs’ federal claims and claims brought under the laws of 17 different
22 states;

23
24
25 ¹ As used herein, the term “Motions to Dismiss” refers collectively to the three motions
26 Defendants filed on August 17, 2012. Defendants sought judgment on the pleadings as to the
27 complaint in *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Dkt. No.
28 5) (Mar. 10, 2011), as Defendants have already filed answers to that complaint. For ease of
reference and consistency with Special Master Legge’s approach, this Stipulation refers to the
three motions as “Motions to Dismiss.”

1 WHEREAS, Defendants and DAPs (collectively “the Parties”) intend to move to adopt or
2 object to various portions of the R&R;

3 WHEREAS, the Parties desire to set forth a streamlined process for moving to adopt and
4 objecting to the R&R that will avoid simultaneous, competing briefing on the same issues.

5 IT IS HEREBY STIPULATED AND AGREED by and between counsel for the DAPs
6 and counsel for the Defendants in the above-captioned actions, as follows:

7 **FORM OF BRIEFING**

8 1. The Parties shall file position statements as set forth below. The position
9 statements shall be short and non-argumentative.

10 2. Opening briefs will be limited to arguments in support of objections to portions of
11 the R&R;

12 3. Arguments in support of adopting portions of the R&R will be reserved for the
13 Parties’ responsive briefs.²

14 **BRIEFING SCHEDULE**

15 1. The Parties’ position statements will be filed on or before May 16, 2013;

16 2. The Parties’ opening briefs will be filed on or before May 31, 2013;

17 3. Responsive briefs will be filed on or before June 28, 2013;

18 4. Reply briefs will be filed on or before July 26, 2013.

19 **POSITION STATEMENTS**

20 The Parties shall set forth their positions on the portions of the R&R to which they intend
21 to object, and which portions of the R&R they intend to move to adopt. To the extent the Parties’
22 position statements indicate that they intend to move to adopt a specific portion of the R&R, that
23 will be deemed a “motion to adopt” under the Court’s orders setting forth the procedure for
24 moving to adopt a report and recommendation of the Special Master (*see, e.g.*, Dkt. Nos. 302,
25

26 ² The Parties may file separate briefs to address the discrete issues raised in (i) the
27 Defendants’ joint Motion to Dismiss, (ii) the Samsung Electronics Defendants’ Motion to
28 Dismiss, and (iii) the Philips Defendants’ and LG Electronics Defendants’ Motions to Dismiss.

446, 1298); the Parties need not file a separate motion to adopt, and instead may address arguments in support of adopting portions of the R&R in their respective responsive briefs.

The undersigned Parties jointly and respectfully request that the Court enter this stipulation as an order.

Dated: May 8, 2013

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 05/09/2013

